

**FILED**  
 FORM TO BE USED BY A PRISONER IN  
 FILING A CIVIL RIGHTS COMPLAINT

2017 JAN 11 AM 9:37

CLERK U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF OHIO  
 CLEVELAND  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE  
 NORTHERN DISTRICT OF OHIO

Michael Lejon Hawkins

(Enter above the full name of the plaintiff in this action)

vs.

Cuyahoga County Jail

(Cuyahoga County Corrections Center)

(Enter above the full name of the defendant(s) in this action)

**1 17 CV 0070**  
 CIVIL CASE NO.

JUDGE

**JUDGE GWIN**

**COMPLAINT**

**MAG. JUDGE RUIZ**

**I. Previous Lawsuits**

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☐ NO ☒

B. If your answer to A is yes, describe the lawsuit in the space below, (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket Number \_\_\_\_\_

4. Name of judge to whom case was assigned \_\_\_\_\_

-2-

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit

7. Approximate date of disposition

II. Place of Present Confinement

A. Is there a prisoner grievance procedure in this institution? YES ☒ NO ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?  
YES ☐ NO ☒

C. If your answer is YES,

1. What steps did you take?

2. What was the result?

D. If your answer is NO, explain why not. This is a Cruel & Unusual Punishment Incident. It's not a on-going problem.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?

YES ☐ NO ☒

F. If your answer is YES,

1. What steps did you take?

2. What was the result?

- 3 -

## III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of the Plaintiff Michael Lejon Hawkins  
 Address P.O. Box 5600 Cleveland, OH 44101 (Cuyahoga County Jail)

(In item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use item C for the names, positions and places of employment of any additional defendants).

B. Defendant Cuyahoga County Jail is employed as  
 \_\_\_\_\_ at \_\_\_\_\_

C. Additional Defendants \_\_\_\_\_

## IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separated paragraph. Use as much space as you need. (Attach extra sheet(s) if necessary).

It was 11/23/16 on Jail 2 9C-Unit at 2143 hrs. When I Michael L. Hawkins S.O. #0270128 was caught cell visiting and C.O. Mitchell told me to lockdown. I complied and locked down. I called him a "Turkey" and he became beligerent and called me a "bitch ass nigga" and stated he would "beat my ass" and that he was "already warmed up" and I stated "I wasn't worried about him." And he came from the C.O. Station and approached my room while putting on his gloves. At this point he's acting as if he's a inmate and not a profess-  
-ional (He blew the entire situation out of proportion at no point did I

(continued)

- 4 -

## (Statement of Claim Continued)

oppose as a threat or threaten him but he did both of them to me as if I don't have rights because i'm confined. When a situation comes like this where we have a disagreement the proper procedure would have been to first close and secure my door and by no means come in my room in attempt to harm me, second would have been to activate his (body alarm) to get the "SRT" to respond and let them approach me and handle the situation. C.D. Mitchell handled the situation wrongly. C.D.'s at no time are supposed to put their hands on us or attempt to that is a direct violation to my 8<sup>th</sup> Amendment). And then he stated "i'm about to beat yo ass now" and then he entered my cell. Then he said "Come on Wassup" then I said "the only way i'm gonna fight you is if you take off your radio." He then took off his radio and turned the volume down and pressed the man down button (body alarm) and then placed the radio back on his waist. I stated "i'm cool" then I stated "I'm not about to fight you go on about your business" he said "naw make it worth your while" then we both heard the "SRT" approaching he finally acted as if he was gonna leave and stepped toward the door and then turned back quickly and rushed me and threw a punch at me (attempted assault) I dodged it he then grabbed me and slammed me against the wall and held me then him and his co-worker (name unknown) slammed me on the bed I offered no resistance and put my hands behind my back. Then the corporal started aggressively spraying me off of instinct I turned my head in the other direction he followed me with the spray and sprayed me again I turned my head again and he

## (Statement of Claim Continued)

sprayed me even more (a clear example of excessive force that was not needed due to the fact that I complied and due to the after effects Pain & Suffering). He kept yelling stop resisting so he could justify aggressively spraying me and manhandling me although I complied with all commands and didn't resist. They then yanked me off my bed onto the floor and slid me out into the dayroom on my stomach while handcuffed as if my legs didn't work. Which in result made me feel degraded and less than a man (Mental & Emotional Distress). They placed me in a restraint chair and took me to medical and informed me I had been pepper sprayed and they rinsed my eyes with water then placed me in a room on the 9<sup>th</sup> floor on Jail 1 for about 2 hours. Then moved me up to segregation. I had pepper spray in my eyes, nose, ears, mouth and even my hair. Not only did the C.O. show no type of professionalism he also attempted to harm me and had me harmed in the process. He lied to justify his actions and said I attacked him but if the "SRT" or "Corporals" had on their body cameras which they are supposed to activate for every situation that they have to respond to you will see that my testimony is ~~the~~ true. I was put in solitary confinement for 20 days. I was released on 12/13/16. My (1<sup>st</sup> Amendment) was violated where I was told I can't talk and if I did more time would be added to my time there.

I ask that you please take my claim into consideration  
I was referred to the Carl B. Stokes Court House.

Thank You

(Statement of Claim Continued)

These are also my witnesses :

Jonathan Mayweather

S.O.# 0292629

Benjamin Cooper

S.O.# 0293879

Richard Stevenson

S.O.# 0272964

Jerry Baker

S.O.# 0262623

Shane Freary

S.O.# 0272816

P.S. Thank You For Your Time And Consideration.



- 5 -

## V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes).

Due to my 8<sup>th</sup> Amendment rights being violated by (Cruel & Unusual Punishment, Pain & Suffering, Excessive Force and Mental & Emotional Distress). And my 1<sup>st</sup> Amendment being violated by them depriving me of my Freedom of Speech I would like to be fully compensated in the value of \$1,500,000.00. These cruel and evil acts happen every day around here the employees of the Cuyahoga County Jail act as if their above the law.

Signed this 2<sup>nd</sup> day of January, 2017

I declare under penalty of perjury that the foregoing is true and correct.

1/2/17

(Date)

Michael L. Hawkins  
(Signature of Plaintiff)